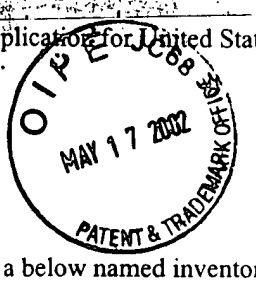
Application for United States



COPY OF PAPERS
ORIGINALLY FILED

PATENT
H0001373

#3

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

COMPOSITE MATERIAL COMPRISING ORIENTED CARBON NANOTUBES IN A CARBON MATRIX AND PROCESS FOR PREPARING SAME

The specification of which

(check one) ____ is attached hereto

__X__ was filed on __03/04/02__ as Application Serial No. __10/090223__ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).*

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			**PriorityClaimed**	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)	(patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith **Kris T. Fredrick** (Reg. No. 42,554), **Dennis Bremer** (Reg. No. 40,528) **Greg Ansems** (Reg. No. 42,264) and **Joseph A. Kolasch** (Reg. No. 22,463). Address all telephone calls to KRIS T. FREDRICK at telephone number (612) 951-7096.

Address all correspondence to KRIS T. FREDRICK at Customer Number 000128.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor **ALEX LOBOVSKY**

Inventor's Signature _____ Date APRIL 30, 2002

Residence New Providence, New Jersey (Union County)

Citizenship USA

Post Office Address 16 Delwick Lane

New providence, NJ 07974

Full Name of Second Joint Inventor, If Any **JAMES MATRUNICH**

Inventor's Signature _____ Date _____, 2002

Residence Mountainside, New Jersey (Union County)

Citizenship USA

Post Office Address 248 Old Tote Road

Mountainside, New Jersey 07092

Full Name of Third Joint Inventor, If Any **RAY H. BAUGHMAN**

Inventor's Signature _____ Date _____, 2002

Residence Morris Plains, New Jersey (Morris County)

Citizenship USA

Post Office Address 411 Mountain Way

Morris Plains, New Jersey 07950

Full Name of Fourth Joint Inventor, If Any **IGOR PALLEY**

Inventor's Signature Igor Palley Date Apr 30, 2002

Residence Madison, New Jersey (Morris County)

Citizenship USA

Post Office Address 18 Dean Street

Madison, New Jersey 07940

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole
or First Inventor **ALEX LOBOVSKY**

Inventor's Signature _____ Date _____, 2002

Residence Providence, New Jersey (Union County)

Citizenship USA

Post Office Address 16 Delwick Lane

New providence, NJ 07974

Full Name of Second
Joint Inventor, If Any **JAMES MATRUNICH**

Inventor's Signature James Matrunich Date 4/30, 2002

Residence Mountainside, New Jersey (Union County)

Citizenship USA

Post Office Address 248 Old Tote Road

Mountainside, New Jersey 07092

Full Name of Third
Joint Inventor, If Any **RAY H. BAUGHMAN**

Inventor's Signature _____ Date _____, 2002

Residence Morris Plains, New Jersey (Morris County)

Citizenship USA

Post Office Address 411 Mountain Way

Morris Plains, New Jersey 07950

Full Name of Fourth
Joint Inventor, If Any **IGOR PALLEY**

Inventor's Signature _____ Date _____, 2002

Residence Madison, New Jersey (Morris County)

Citizenship USA

Post Office Address 18 Dean Street

Madison, New Jersey 07940

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor **ALEX LOBOVSKY**

Inventor's Signature _____ Date _____, 2002

Residence Providence, New Jersey (Union County)

Citizenship USA

Post Office Address 16 Delwick Lane

New providence, NJ 07974

Full Name of Second Joint Inventor, If Any **JAMES MATRUNICH**

Inventor's Signature _____ Date _____, 2002

Residence Mountainside, New Jersey (Union County)

Citizenship USA

Post Office Address 248 Old Tote Road

Mountainside, New Jersey 07092

Full Name of Third Joint Inventor, If Any **RAY H. BAUGHMAN**

Inventor's Signature R. H. Baughman Date April 25, 2002

Residence ~~Morris Plains, New Jersey (Morris County)~~

Citizenship USA

Post Office Address ~~411 Mountain Way~~ 5428 Willow Wood Lane

~~Morris Plains, New Jersey 07950~~ Dallas, Texas 75252

Full Name of Fourth Joint Inventor, If Any **IGOR PALLEY**

Inventor's Signature _____ Date _____, 2002

Residence Madison, New Jersey (Morris County)

Citizenship USA

Post Office Address 18 Dean Street

Madison, New Jersey 07940

Full Name of Fifth
Joint Inventor, If Any GARY A. WEST

Inventor's Signature Gary A. West Date May 6, 2002

Residence Budd Lake, New Jersey (Morris County)

Citizenship USA

Post Office Address 122 Lozier Road

Budd Lake, New Jersey 07828

Full Name of Sixth
Joint Inventor, If Any ILAN GOLECKI

Inventor's Signature _____ Date _____, 2002

Residence Parsippany, New Jersey 07054

Citizenship USA

Post Office Address 100 Vail Road, #N-5

Parsippany, New Jersey 07054

Full Name of Fifth
Joint Inventor, If Any **GARY A. WEST**

Inventor's Signature _____ Date _____, 2002

Residence Budd Lake, New Jersey (Morris County)

Citizenship USA

Post Office Address 122 Lozier Road

Budd Lake, New Jersey 07828

Full Name of Sixth
Joint Inventor, If Any **ILAN GOLECKI**

Inventor's Signature _____ Date 4/30, 2002

Residence Parsippany, New Jersey 07054

Citizenship USA

Post Office Address 100 Vail Road, #N-5

Parsippany, New Jersey 07054

*Title 37, Code of Federal Regulations §1.56:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.